

In the Claims:

1. (currently amended) An ashtray, comprising,
 - a) a container comprising a closure mechanism,
 - b) a bag that is present within said container, and
 - c) an air eliminator that communicates with a space that is between said bag and said container,
wherein said closure mechanism selectively applies pressure to said bag to separate an upper portion of said bag from a lower portion of said bag.
 - e)
~~wherein said bag is attached to said container so that said space is substantially air tight.~~
2. (canceled).
3. (currently amended) An ashtray as described in Claim 12, wherein said air eliminator communicates with a space that is between said lower portion of said bag and said container.
4. (original) An ashtray as described in Claim 1, wherein an upper portion of said container that supports said bag is funnel shaped.

5. (currently amended) An ashtray as described in Claim 12, wherein an upper portion of said container that is above said closure mechanism is funnel shaped.
6. (original) An ashtray as described in Claim 1, wherein said bag is flame retardant.
7. (original) An ashtray as described in Claim 1, wherein a lower portion of said container maybe selectively separated from an upper portion of said container.
8. (currently amended) An ashtray as described in Claim 12, wherein a lower portion of said container that is below said closure mechanism maybe selectively separated from an upper portion of said container.
9. (original) An ashtray as described in Claim 1, wherein said air eliminator is a vacuum pump.
10. (original) An ashtray as described in Claim 1, wherein said closure mechanism is spring biased.
11. (currently amended) A method of using the ashtray of Claim 12, comprising the steps of:

- a) positioning said bag within said container, with an upper portion of said bag located above said closure mechanism, and lower portion of said bag positioned below said closure mechanism; and
- b) eliminating air from said space between said lower portion of said bag and said container by operating said air eliminator;
- c) actuating said closure mechanism to provide a conduit between said upper portion of said bag and said lower portion of said bag;
- d) inserting a burning object into an opening of said upper portion of said bag and allowing said burning object to travel to said lower portion of said bag;
- e) actuating said closure mechanism to separate said upper portion of said bag from said lower portion of said bag;

wherein said burning object is extinguished.

12. (original) A method of using the ashtray as described in Claim 11, wherein a lower portion of said container is separated from an upper portion of said container so as to provide an opening in said container, and said bag is removed through said opening in said container.

13. (new) An ashtray, comprising,
- a) a container,
 - b) a bag that is present within said container, and

- c) an air eliminator that communicates with an enclosed space that is formed between said an outside surface of said bag and an interior portion of said container,
- wherein air is evacuated from said enclosed space that is formed between said an outside surface of said bag and an interior portion of said container, and no material amount of additional air enters said enclosed space that is formed between said an outside surface of said bag and an interior portion of said container while said air eliminator is actuated, and wherein said air eliminator does not communicate with an interior of said bag.
14. (new) An ashtray as described in Claim 13, wherein bag is pulled against said interior portion of said container as said air is evacuated from said enclosed space.
15. (new) An ashtray as described in Claim 13, wherein an upper portion of said container supports said bag and is funnel shaped.
16. (new) An ashtray as described in Claim 13, further comprising a closure mechanism that selectively applies pressure to said bag to separate an upper portion of said bag from a lower portion of said bag wherein an upper portion of said container that is above said closure mechanism is funnel shaped.

17. (new) An ashtray as described in Claim 13, wherein said bag is flame retardant.
18. (new) An ashtray as described in Claim 13, wherein a lower portion of said container maybe selectively separated from an upper portion of said container.
19. (new) An ashtray as described in Claim 13, wherein said air eliminator is a vacuum pump.
20. (new) An ashtray as described in Claim 13, wherein said closure mechanism is spring biased.